

Public Notice No. 08MS001
Green Hills Development Company, LLC
Docket Number CWA-04-2008-5507(b)

U.S. Environmental Protection Agency, Region 4
Wetlands Regulatory Section
61 Forsyth Street, SW
Atlanta, Georgia 30303

Date: August 1, 2008

The U.S. Environmental Protection Agency (EPA), Region 4, proposes to issue a Consent Agreement and Final Order (CAFO), Docket No. CWA-04-2008-5507(b), that assesses an administrative penalty of \$5,400.00 to Green Hills Development Company, LLC (Respondent), under the authority of Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). As part of this settlement, the Respondent has proposed a Supplemental Environmental Project (SEP) valued at approximately \$50,000 to resolve the Clean Water Act violation. The SEP will place a conservation easement on an 11.54 acre parcel of land adjacent to the violation that will preclude future development except for the construction of walking trails and interpretive signs. The SEP will provide a forested buffer along a tributary of Richland Creek and enhance water quality in Richland Creek and the Pearl River.

EPA alleges the Respondent has made unauthorized discharges of dredged and/or fill material into waters of the United States in violation of Section 301 of the Clean Water Act, 33 U.S.C. Section 1311. The discharges that were made during construction of a residential subdivision have impacted approximately 1,000 linear feet of tributaries to Richland Creek. The waters of the United States impacted are an unnamed tributary to Richland Creek which flows to the Pearl River which, in turn, flows to the Gulf of Mexico. The Green Hills subdivision is located east of the intersection of Mississippi (MS) Highway 18 and MS Highway 468, in Brandon, Rankin County, Mississippi, near 32°24'39.82" north latitude and 89°97'09.08" west longitude.

Any person wishing to comment in writing on the proposed CAFO (CWA-04-2008-5507(b)) must submit such comments to the Regional Hearing Clerk at U.S. EPA, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia, 30303, within thirty (30) days of the date of this public notice. Please include the Public Notice and Docket Number on the first page of submitted comments. Interested parties may also submit comments by e-mail to the EPA representatives listed below. The Respondents may request a hearing within thirty (30) days of receipt of this notice by sending a written request for a hearing to the Regional Hearing Clerk at the same address. If a hearing is requested, those submitting written comments will be advised of the date and time of the hearing and may appear to present evidence on the appropriateness of the proposed penalty assessment. The Final Order will be issued after the close of the thirty (30) day comment period unless a public hearing is requested.

Interested parties may contact the EPA representatives for this action, Stephanie Fulton (fulton.stephanie@epa.gov), Wetlands Regulatory Section, at the above address or by phone at (404) 562-9413, or Mike Wylie, Wetlands Enforcement Coordinator (wylie.mike@epa.gov), at the above address or by phone at (404) 562-9409, to obtain information or additional copies of this proposed Final Order. The Administrative Record, including information submitted by the Respondents and comments received by the public, is available for review at the EPA office address listed above. The file will be open for public review during the thirty (30) day comment period between 9:00 a.m. and 4:00 p.m., Monday through Friday.